



POLICY DIRECTIVE

Policy:	DOC 3.4.3 TOBACCO USE REGULATIONS
Effective Date:	01/01/1998 Page 1 of 2
Revision Date(s):	03/01/2016; 04/24/2026
Signature/Title:	/s/ Eric Strauss, Director

I. POLICY

The Department will provide a smoke-free work and living environment for employees, visitors, and offenders in accordance with the Montana Clean Indoor Air Act and will outline tobacco use provisions appropriate to the functions of the Department.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS (see Glossary)

IV. REQUIREMENTS

A. General Smoking Regulations

1. In compliance with the Montana Clean Indoor Air Act, smoking is prohibited in enclosed areas and buildings in order to:
 - a. protect the public health and welfare in public places and places of employment;
 - b. recognize the right of nonsmokers to breathe smoke-free air; and
 - c. recognize that the need to breathe smoke-free air has priority over the desire to smoke.
2. Administrators may establish designated outdoor smoking areas:
 - a. away from building entrances; and
 - b. in locations where smoke does not enter through entrances, windows, or ventilation systems that may affect nonsmoking areas on Department property that does not house offenders.
3. Tobacco use is prohibited in all State-owned and leased vehicles in accordance with the Montana Department of Transportation (Motor Pool) and Department of Corrections lease agreement.

B. General Tobacco Regulations

1. Administrators will ensure signs prohibiting smoking within Department buildings and offices are prominently displayed at the appropriate entrances.
2. For consistency, the recommended language for entrance signs will include:
 - a. Attention: All Employees and Visitors to DOC Properties
The Department prohibits smoking in Department buildings and offices in accordance with *DOC 3.4.3 Tobacco Use Regulations*.
3. Vacancy announcements for Department positions will contain tobacco use restrictions and newly hired employees will review the provisions of this policy upon employment.

C. Facilities Not Housing Offenders

1. Department employees, offenders, and visitors within Department buildings and offices that do not house offenders may possess tobacco products for personal use.
2. Smokeless tobacco products may be used inside Department buildings and offices that do not house offenders.
 - a. Employees must use professional judgment and discretion when using smokeless tobacco products while on duty.

D. Facilities Housing Offenders

1. Administrators will:
 - a. prohibit employees and visitors from possessing, using, or transferring tobacco products in facilities housing Department offenders;
 - b. may ban the use of tobacco products on all facility property; and
 - c. ensure signs prohibiting the possession, use, or transfer of tobacco products in facilities are prominently displayed at appropriate entrances.
2. Department employees who work in or who are visiting Department buildings and offices will secure tobacco products for personal use in locations that comply with facility operational procedures.

E. Regulations for Offenders

1. Offenders are prohibited from using, possessing, and transferring tobacco products while housed in Department facilities or programs.
 - a. Tobacco products are considered contraband or illegal in adult and youth secure facilities and will be confiscated.
2. Administrators may approve exceptions to tobacco use restrictions for legitimate offender spiritual practices in accordance with *DOC 5.6.1 Religious Programming* and the American Indian Religious Freedom Act of 1978.
3. Offenders under community supervision will comply with Department policies and procedures regarding tobacco use while on Department property.
4. Administrators of contracted facilities or programs housing Department offenders will prohibit the use, possession, and transfer of tobacco products in accordance with the provisions of this policy.

V. CLOSING

Questions about this policy should be directed to the appropriate administrator.

VI. REFERENCES

- A. §§ 2-15-112; 45-7-307; 53-1-203; 53-30-101(3)(c); Title 50, Chapter 40, MCA
- B. *State of Montana Motor Pool Lease Agreement*
- C. *American Indian Religious Freedom Act of 1978*
- D. *DOC 5.6.1 Religious Programming*